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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,597	02/25/2005	Nevio Benvenuto	IT02 0025 US	3611

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NXP, B.V.
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EXAMINER

NEFF, MICHAEL R

ART UNIT	PAPER NUMBER
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2611

NOTIFICATION DATE	DELIVERY MODE
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12/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<i>Advisory Action Before the Filing of an Appeal Brief</i>	Application No. 10/525,597	Applicant(s) BENVENUTO ET AL.	
	Examiner MICHAEL R. NEFF	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Regarding the applicant's filed arguments. The Applicant has provided three grounds of argument, two of which have been previously discussed. First, the applicant argues the application of the '418 reference combination in regard to the 'sections' limitations. Aside from the 'sections' being an ambiguous limitation, this point of argument has been previously responded too, see office action filed 9/30/2009 wherein " Second the 'first and second section' limitation. The '058 reference clearly shows a system wherein several 'sections' are utilized. Looking at Figures 10a and 10b, or figure 4a there are clearly designated 'sections'. The prior art has been applied so that the 'first section' contained in element 200, which interacts with other 'sections' is taken in combination with a second disclosure, provided to function as a separate section similar to element 402. The applicant respectfully appears to be attacking the prior art applications individually." No argument has been provided to sway the examiner from this interpretation and the grounds are maintained.

Second the applicant has argued the references teach away from each other, this too has been previously addressed: " As provided above, the prior art of record '058 shows several 'sections' as is similar with the current application, each of these 'sections' being utilized in the signal processing of the system. The combined prior art found in the '418 disclosure provides another 'section', or another device common in the signal processing aspect of the design which when taken in combination functions as would the sections of '058 (sections 401,406,200, 402 for example) to further the systems capabilities in signal processing." Again nothing ahs been provided to sway the Examienr from the interpretation and the grounds are maintained.

Third and finally, the applicant has argued that no 'reasonable' interpretation of the art can provide the mapping of the detector and feed back filter elements in claims 11 and 28. Turngin to figure 7 of the '418 reference, the elemtn 429 constitutes a filter, which is performing a feedback function, the output of which is presented to an adder, and then to the detector. Given the current claim language, the examiner believes that this is not only a clear mapping of the claimed limitations, but also a reasonable one. Therefore, these grounds and all others are maintained by the Examiner.

/Shuwang Liu/
Supervisory Patent Examiner, Art Unit 2611

/MICHAEL R. NEFF/
Examiner, Art Unit 2611